

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

DARIUS WILLIAMS

PLAINTIFF

VS.

CAUSE NO. 3:23-CV-2982-CWR-LGI

**MADISON COUNTY, MISSISSIPPI,
SHERIFF RANDY TUCKER, IN HIS
OFFICIAL CAPACITY, DEPUTY JOHN
LOVE, DEPUTY JOHN MCDONALD, and
DEPUTY JOHN DOES 1-2, IN THEIR
INDIVIDUAL AND OFFICIAL CAPACITIES**

DEFENDANTS

**DEFENDANTS MADISON COUNTY, MISSISSIPPI,
SHERIFF RANDY TUCKER, AND DEPUTY JUSTIN MCDONALD'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendants Madison County, Mississippi, Sheriff Randy Tucker, and Deputy Justin McDonald move this Court for summary judgment to be entered in their favor on all but one of the state-law claims asserted by Plaintiff Darius Williams because the claims are either time-barred, fall outside the scope of the Mississippi Tort Claims Act's (MTCA's) waiver of sovereign immunity and are barred by sovereign immunity, or are barred by the MTCA's inmate exception.

In support of this Motion, Defendants attach the following exhibit:

- Exhibit A: Plaintiff's Notice of Intent to Sue

WHEREFORE, for these reasons and those asserted in the memorandum brief filed contemporaneously herewith, Defendants Madison County, Mississippi, Sheriff Randy Tucker, and Deputy Justin McDonald request this Court enter summary judgment on the state-law claims at issue in their favor.

This the 26th day of January 2024.

Respectfully submitted,

**MADISON COUNTY, MISSISSIPPI,
SHERIFF RANDY TUCKER, AND
DEPUTY JUSTIN MCDONALD**

BY: */s/ Charles E. Cowan*
CHARLES E. COWAN

OF COUNSEL:

Charles E. Cowan (MB #104478)
Meagan E. Guyse (MB #106648)
WISE CARTER CHILD & CARAWAY, PA
401 E. Capitol Street, Suite 600
Post Office Box 651
Jackson, Mississippi 39205
Telephone: (601) 968-5514
Facsimile: (601) 968-5519
cec@wisecarter.com

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the above pleading or other paper with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

SO CERTIFIED: January 26, 2024

/s/ Charles E. Cowan
CHARLES E. COWAN